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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

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AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
RIGBY WATER COMPANY FOR APPROVAL
OF A TRANSFER OF ASSETS AND
CONDITIONAL CANCELLATION OF ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. W-01808A-10-0390

PROCEDURAL ORDER

BY THE COMMISSION:

On September 23, 2010, Rigby Water Company ("Rigby" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an Application for Approval of Transfer of Assets and Conditional Cancellation of Certificate of Convenience and Necessity ("Application"). The Application states that the City of Avondale ("Avondale") filed a complaint in condemnation seeking to condemn the assets and operations of Rigby on January 30, 2009.¹ According to the Application, Rigby desires to transfer its assets to Avondale and upon final order of condemnation to cancel its Certificate of Convenience and Necessity ("CC&N").

On October 22, 2010, the Commission's Utilities Division ("Staff") filed an Insufficiency Letter and data request in this docket.

On November 12, 2010, Applicant filed responses to Staff's data request.

On November 30, 2010, the Estate of Charles J. Dains ("Dains Estate") filed a Motion to Intervene in this matter stating that the Dains Estate is the successor party to the Main Extension Agreement identified by Rigby in its November 12, 2010, responses to Staff's data request. Further, the Motion states that the Dains Estate does not agree with Rigby's proposed resolution of the refund issue.

On December 20, 2010, Staff filed a Letter of Sufficiency stating that Applicant's Application

¹ *City of Avondale v. Rigby Water Company*, Maricopa County Superior Court Case No. CV 2009-003060.

1 had met the sufficiency requirements outlined in the Arizona Administrative Code ("A.A.C.")

2 On December 23, 2010, Applicant filed additional information related to its Application.

3 On December 29, 2010, Dains Estate filed a Motion to Consolidate the above-captioned
4 docket with Docket No. W-01808A-09-0137.²

5 On January 7, 2011, Rigby filed a response opposing Dains Estates' Motion to Consolidate
6 Docket Nos. W-01808A-10-0390 and W-01808A-09-0137.

7 Staff has not filed responses to Dains Estates' Motion to Intervention or Motion to
8 Consolidate Docket Nos. W-01808A-10-0390 and W-01808A-09-0137.

9 IT IS THEREFORE ORDERED that Staff shall file, on or before January 28, 2011,
10 responses to Dains Estates' Motion to Intervene and Motion to Consolidate Docket Nos. W-
11 01808A-10-0390 and W-01808A-09-0137.

12 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 – Unauthorized
13 Communications) applies to this proceeding.

14 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
15 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
16 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at
17 all hearings and procedural conferences, as well as all Open Meetings for which the matter is
18 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
19 Administrative Law Judge or the Commission.

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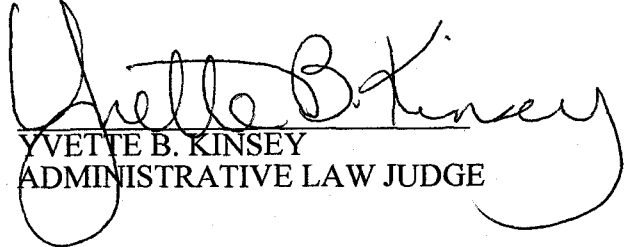
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26 ² This docket is a complaint filed by the Dains Estate against Rigby ("Complaint") alleging that Rigby has failed to refund
27 amounts due under a Main Extension Agreement between these two parties. Determination of the amount owed and
28 when it is to be paid are the central issues of the Complaint. Testimony has been completed; briefs were filed on
December 15, 2010; and reply briefs are due on January 14, 2011. The Dains Estate also filed its Motion to Consolidate in
the Complaint docket.

1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.

4 DATED this 12th day of January, 2011.

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7 
8 YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE

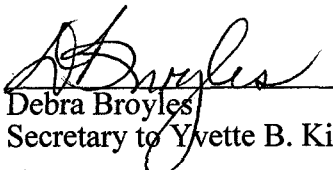
9 Copies of the foregoing mailed
10 this 12th day of January, 2011 to:

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By: 
Debra Broyles
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